

PLANNING COMMISSION AGENDA
CITY OF NEWPORT BEACH
COUNCIL CHAMBERS - 3300 NEWPORT BOULEVARD
Thursday, May 3, 2012
Regular Meeting – 6:30 p.m.

MICHAEL TOERGE
Chair

BRADLEY HILLGREN
Vice Chair

FRED AMERI
Secretary

TIM BROWN
KORY KRAMER
JAY MYERS
LARRY TUCKER

Planning Commissioners are citizens of Newport Beach who volunteer to serve on the Planning Commission. They were appointed by the City Council by majority vote for 4-year terms. At the table in front are City staff members who are here to advise the Commission during the meeting. They are:

KIMBERLY BRANDT, Community Development Director

**BRENDA WISNESKI, Deputy Community
Development Director**

LEONIE MULVIHILL, Assistant City Attorney TONY BRINE, City Traffic Engineer

NOTICE TO THE PUBLIC

Regular meetings of the Planning Commission are held on the Thursdays preceding second and fourth Tuesdays of each month at 6:30 p.m. Staff reports or other written documentation have been prepared for each item of business listed on the agenda. If you have any questions or require copies of any of the staff reports or other documentation, please contact the Community Development Department, Planning Division staff at (949) 644-3200. The agendas, minutes, and staff reports are also available on the City's web site at: <http://www.newportbeachca.gov>.

This Commission is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Commission's agenda be posted at least 72 hours in advance of each meeting and that the public be allowed to comment on agenda items before the Commission and items not on the agenda but are within the subject matter jurisdiction of the Commission. The Commission may limit public comments to a reasonable amount of time, generally either three (3) or five (5) minutes per person.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant of this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. Please contact Leilani Brown, City Clerk, at least 72 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible (949-644-3005 or lbrown@newportbeachca.gov).

If in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues, which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.

APPEAL PERIOD: Use Permit, Variance, Site Plan Review, and Modification Permit applications do not become effective until 14 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. Tentative Tract Map, Tentative Parcel Map, Lot Merger, and Lot Line Adjustment applications do not become effective until 10 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. General Plan and Zoning Amendments are automatically forwarded to the City Council for final action.

NEWPORT BEACH PLANNING COMMISSION AGENDA
Council Chambers – 3300 Newport Boulevard
Thursday, May 3, 2012
REGULAR MEETING
6:30 p.m.

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

D. PUBLIC COMMENTS

Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the Planning Commission. Speakers must limit comments to three (3) minutes. Before speaking, please state your name for the record and print your name on the tablet provided at the podium.

E. REQUEST FOR CONTINUANCES

F. CONSENT ITEMS

ITEM NO. 1 Minutes of April 19, 2012

RECOMMENDED ACTION: Approve and file.

G. PUBLIC HEARING ITEMS

ALL TESTIMONY GIVEN BEFORE THE PLANNING COMMISSION IS RECORDED. SPEAKERS MUST LIMIT REMARKS TO THREE (3) MINUTES ON ALL ITEMS. (Red light signifies when three (3) minutes are up; yellow light signifies that the speaker has one (1) minute left for summation.) Please print only your name on the pad that is provided at the podium.

Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection in the Community Development Department, Planning Division located at 3300 Newport Boulevard, during normal business hours.

ITEM NO. 2 Cornerstone Securities Residential Addition - (PA2012-027)
SITE LOCATION: 245 Evening Canyon Road

SUMMARY: A request for a variance and modification permit to allow a 2,012-square-foot addition to an existing 2,783-square-foot nonconforming single-family residence. The structure is nonconforming because the existing residence encroaches between seven and 11 inches into the required 6-foot right side yard setback. A variance is requested to allow a 72 percent addition and a second floor addition that would project into the southerly side yard setback, in-line with the existing nonconforming residence. The applicant also requests a modification permit to allow two garage parking spaces and two driveway parking spaces, where three garage spaces are required because the proposed gross floor area exceeds 4,000 square feet in area.

RECOMMENDED ACTION: 1) Continue the item to May 17, 2012, so that the item can be re-noticed to comply with the provisions of the Newport Beach Municipal Code

ITEM NO. 3 Newport Place Affordable Housing Amendment - (PA2011-215)

SITE LOCATION: Newport Place Planned Community (PC-11) -- Area bounded by Macarthur Boulevard extending westerly bounded by Jamboree Road, Bristol Street North, and Birch Street

SUMMARY: Amendment to the Newport Place Planned Community Development Plan (PC-11) to implement Housing Programs 3.2.2 and 3.2.3 found in the 2008-2014 Housing Element. The amendment would permit residential development that includes a minimum of 30 percent of the units affordable to lower-income households with the approval of a Site Development Review. Developments meeting this criteria will also be eligible for a waiver of the minimum 10-acre site area required. The amendment would also establish minimum development regulations including building height, setbacks, and parking requirements.

RECOMMENDED ACTION 1) Continue the item to June 21, 2012, so that the public hearing notice can be re-published in the newspaper.

ITEM NO. 4 Review of Preliminary Fiscal Year 2012-2013 Capital Improvement Program (PA2007-131)

SUMMARY: Review of the City's Capital Improvement Program (CIP) is required by the City Charter and State Statute. The purpose of the review is to determine consistency with the General Plan and to make recommendations to the City Council concerning proposed public works projects.

CEQA COMPLIANCE: Determination of General Plan conformity is not considered a "project" as defined by the California Environmental Quality Act (CEQA) in that this action has no potential to result in a direct or indirect physical change to the environment and subsequent environmental review of each project will be conducted at the appropriate time in accordance with CEQA.

RECOMMENDED ACTION: 1) Conduct a review of the Preliminary Fiscal Year 2012-2013 Capital Improvement Program; and
2) Determine that the CIP projects are consistent with the policies of the General Plan, including any additional recommendations deemed appropriate, and report this finding to the City Council.

H. NEW BUSINESS

ITEM NO. 5 Review of Rules of Procedures of the Planning Commission

SUMMARY: As requested by Chair Toerge at a previous Planning Commission meeting, attached, for your review, are the Rules of Procedures of the Planning Commission (Procedures). In accordance with Section XV, the Planning Commission may propose to amend or add to the Procedures at a regular meeting. If modifications are requested by the Planning Commission, the revised Procedures will be presented to the Planning Commission at its next meeting for final consideration.

RECOMMENDED ACTION: 1) Review and modify, as needed, the Rules of Procedures of the Planning Commission; and
2) Direct staff to revise and present the Procedures at the next regular Planning Commission meeting to consider a final motion for approval..

I. STAFF AND COMMISSIONER ITEMS

ITEM NO. 6 Community Development Director's report.

ITEM NO. 7 Announcements on matters that Commission members would like placed on a future agenda for discussion, action, or report.

ITEM NO. 8 Request for excused absences.

ADJOURNMENT